

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FIELD OPERATIONS TRAINING MANUAL

Volume - II: Compliance

Chapter 10: Complaints Against Cargo Tank Manufacturers

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1. COMPLAINTS TO BE INVESTIGATED

Complaints that allege a violation of the cargo tank specifications in 49 CFR Part 178 must include sufficient information to be investigated. When such complaints lack sufficient information are received, the complainant should be notified of the necessary information to warrant an investigation.

- a. If a violation can be visually identified and verified, a picture of the violation or verification by a second party is sufficient information for the complaint to be investigated. Examples of this type of violation include:
 - (1) The rear-end protection device of a cargo tank does not meet the dimensional requirements.
 - (2) The cargo tank is not certified when it is required to be manufactured to the ASME Code.
 - (3) A specification plate lacks all of the required information.
- b. If an alleged violation is a design defect which would be verified by engineering calculations (e.g. the overturn protection device of a cargo tank is not strong enough), sufficient design information to conduct a preliminary structural analysis must be provided for the complaint to be investigated. This information must include dimensions (size, thickness, etc.), type of material (mild steel, stainless steel, aluminum, etc.), and required loadings (maximum weight of lading, GVWR of vehicle, etc.) A picture of an alleged violation of this type is not sufficient for the complaint to be investigated.

- c. If an alleged violation would be verified through testing, testing documentation that verifies the violation must be provided for the complaint to be investigated. Examples of this type of violation include:
 - (1) The manhole assembly of a cargo tank is not strong enough.
 - (2) Pressure relief devices of a cargo tank do not function as required.
- d. Regardless of the type of violation, documentation connecting an alleged violation to a hazardous material spill is sufficient information for the complaint to be investigated.

2. INVESTIGATION GUIDELINES

The extent of the complaint investigation depends upon the nature of the alleged violation.

- a. If the violation would likely lead to a hazardous material spill (e.g. structural integrity, accident damage, manhole integrity, etc.), a complete compliance review of the cargo tank manufacturer must be completed according to agency procedures. If the manufacturer's designs have been reviewed within the previous 12 months and there have been no significant changes since the review, a focused compliance review of the complaint allegations and related regulations may be conducted.
- b. If the violation would not likely lead to a hazardous material spill (e.g. incomplete specification plate, the welding of an appurtenance to a cargo tank wall without a pad, etc.), a focused compliance review of the complaint allegations and related regulations may be conducted.